

Reference Number: 400-19-DD

Title of Document: Reimbursement for Replacement of Damaged Personal Property of Employees due to Individual's Activity

Date of Issue: November 1, 1997

Effective Date: November 1, 1997

Last Review Date: March 20, 2006 **No Revision**

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Applicability: All DDSN Employees

The language used in this policy does not create an employment contract between the employee and the Department of Disabilities and Special Needs (SCDDSN). SCDDSN reserves the right to revise the contents of this policy, in whole or in part.

Statement of Policy

A provision in the State Appropriations Act authorizes the Department to replace personal property of an employee which has been damaged or destroyed by an individual while in the custody of the Department. The replacement of personal property may be made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty and if the damaged or destroyed item is found to be reasonable in value and necessary for the employee to carry out the functions and duties of his/her employment. Reimbursement for replacement of damaged or destroyed items shall not exceed \$250 per item, per incident.

The State Director or his designee shall determine whether a claim under this provision meets the requirements of the provision and this directive. Nothing in this directive or in the above mentioned provision creates an entitlement in favor of the claimant. Reimbursement by the Department is an effort to maintain employee morale without an admission of liability. Pursuant to the statutory provision, the Department has developed the following guidelines for reimbursement of employee claims.

Employee Responsibility

The safeguarding of one's personal property is an individual responsibility. Every employee should take all reasonable and prudent precautions to reduce the risk of loss to their personal property. For example, employees who work with individuals should dress reasonably; understanding that sometimes an individual may reach out and grab jewelry, clothing or glasses. Thus, wearing a necklace, glasses or expensive clothing while working with such individuals may not be prudent. Failure of an employee to use reasonable precautions to reduce the risk of loss may jeopardize any claim for reimbursement.

Guidelines for Reimbursement

Prior to the Department reimbursing an employee in accordance with this policy, the following requirements must be met:

1. The property loss suffered by the employee must be found to have been caused by an act of an individual within the Department's custody, care, or control;
2. The employee must be acting within the scope of his/her duties; and
3. The affected item of personal property must be reasonable in value and necessary for the employee to carry out the functions and duties of his/her employment.

Reimbursement Limits

Reimbursement for loss under this policy shall not exceed \$250 per item, per incident. The Department reserves the right to establish maximum reimbursement limits under the \$250 legislative cap for items of clothing, jewelry, eyeglasses, dentures, etc. These amounts are attached to this policy and shall be considered as maximum reimbursement for a particular item. Generally, a reimbursable claim is limited to the cost, cost of repair, or replacement cost whichever is less. Claims for loss which coincide with an injury to the employee may be covered under workers' compensation provisions. All claims approved for reimbursement will be paid out of the facility or regional office budget where the employee claiming the loss is employed.

Vehicle Claims

The Department will reimburse employees for loss or damage to their vehicle while located or parked at a departmental facility not to exceed their comprehensive deductible or \$250 whichever is less. Parking is provided at no cost for the convenience of the employee. It is recommended that employees secure their own personal insurance for vehicle damage.

Claim Procedure

A claim for reimbursement in accordance with the provisions of this directive may be initiated by filing an incident report with the employee's immediate supervisor. This report shall include, at a minimum, the following information:

1. A full explanation of the incident, time and place, which caused the loss or damage to personal property;
2. The name of the individual involved;
3. The name of any witnesses; and

4. A description of the damaged or destroyed personal property, to include receipt for replacement item or two (2) estimates of the cost of replacement or repair, as appropriate. The damaged item must be made available for evaluation.

Claims should be submitted as soon as possible after the incident. a late claim may jeopardize the investigation of the claim and reimbursement. Submission of false claims may subject the employee to disciplinary action. The employee's immediate supervisor shall immediately forward the claim to the facility administrator.

Claims Investigation

The facility administrator, upon receipt of a claim, will insure that the claim is properly and timely investigated. Generally, public safety officers conduct investigations of this type. The investigator will meet with the claimant to obtain a complete statement and verify the loss sustained by the employee. Pictures may be taken of the damaged item, or the item itself may be evaluated. A copy of any applicable insurance should be included in the investigation. Witness statements should be taken and included in the report. The investigator will render a report of his findings to the Facility Administrator.

Claim Evaluation

The Facility Administrator will review every claim to insure that the investigation report is complete and that all required documents and supporting statements are attached. The Facility Administrator may not approve or disapprove the claim, but should forward the claim with his recommendation to the Director of Human Resources and Legal Services, who has been designated by the State Director to make final decisions on any claims filed pursuant to this directive. In making his recommendation, the Facility Administrator should follow the guidelines set out in this directive. The Director of Human Resources and Legal Services is not bound by the recommendation of the Facility Administrator. The final decision of the Director for Human Resources and Legal Services will be returned to the Facility Administrator who shall inform the claimant of the Department's response.

Payment

If the final decision directs payment to the claimant, then the Facility Administrator will authorize and sign a purchase request form or other appropriate document in order to procure a state check in the amount of the approved claim. The investigation report, the Facility Administrator's recommendation and the Human Resources and Legal Services Director's decision shall constitute the supporting documentation for the financial transaction.

Liability

This procedure may be changed, modified or terminated at any time by the Department. No rights to claimants or their successors will accrue pursuant to the provisions of this directive, nor will any action taken under this directive be appealable to any forum, court or other body for review. This procedure does not in any way affect an employee's right to file a claim against the

Department or State pursuant to the State Tort Claims Act. The sole purpose of this directive is to gratuitously address employee property damage in a fair and consistent manner.

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(Approval)